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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,697	10/09/2000	Jeffrey J. Clawson	4289 P	3948

7590 07/18/2003

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EXAMINER

MWANYOHA, SADIKI P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,697

Applicant(s)

CLAWSON, JEFFREY J.

Examiner

Sadiki Mwanyoha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/9/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities: A reference is made to “violent patent situation”. This appears to be a typographical error. The examiner assumes “violent patient situation” was meant. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,237,344 to Moore. Moore discloses a “Rapid response health care communications system” which reads on each of the limitations set forth in Claim 1 as follows:

- a. The system of Moore is “capable of rapidly receiving a request for health care from a patient on the basis of voice, telephone, visual, or emergency signaling” [See Moore col. 2, line 28]. The Examiner finds that this capability reads on “receiving a medical call on a telephone communication device regarding a patient needing medical assistance.”

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b. A telephone call initiated by the patient has the purpose of indicating his or her needs to the health coordinator, who receives this indication (i.e. description) [See Moore col. 9, line 10].

c. The health care provider (i.e. dispatcher) “upon receipt of the patient’s signal [i.e. the description]...can accurately and precisely make an informed decision on the degree [i.e. criticality value] of medical response required” [See Moore col. 3, line 59].

d. Moreover, the health care provider communicates [i.e. dispatches] his/her decision on the degree [i.e. criticality value] of medical response to the desired personnel [i.e. agents of the medical response] [See col. 3, line 66].

e. After the medical staff has arrived at the patient location, they may “if necessary [i.e. based on said criticality value], effect further communication [i.e. post dispatch instructions] with the health care coordinator through the telephone...in the patient’s [i.e. caller] room” [See Moore col. 10, line 15]. The examiner finds that further communication with the health care coordinator (i.e. dispatcher) in the patient’s [i.e. caller] room reads on “post dispatch instruction to a caller.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore.

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4. Regarding claims 2, 3 and 7, the system disclosed by Moore “manages the exit process of an emergency medical dispatch system” as shown above.

However, Moore does not teach post dispatch instructions specifically regarding a “hemorrhaging patient”, a “patient suffering amputation”, or a “patient suffering from burns”.

Nevertheless, it would have been obvious to anticipate the need for post dispatch instructions addressing these situations, since they comprise common medical conditions.

5. Regarding 4, 5, 6 and 8, the system disclosed by Moore “manages the exit process of an emergency medical dispatch system” as shown above.

However, Moore does not teach post dispatch instructions specifically regarding a “hazardous material situation”, a “violent patient situation”, the “presence of an assailant or dangerous animal”, or “a present danger situation”, all of which comprise environmental situations.

Nevertheless, it would have been obvious to anticipate the need for post dispatch instructions addressing these situations, since the health care provided by Moore’s system “can be extended somewhat to environmental care” [See Moore col. 4, line 35] and these situations are common forms of environmental emergencies.

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Nikolin US patent 5,787,429 discloses a "Potential hazard and risk-assessment data communication network."

b. Webb US patent 5,902,234 discloses a "Medical communication system for ambulatory home-care patients."

c. Stenhuis et al. US patent 4,338,493 discloses a "Method and devices for reporting emergency calls and for initiating emergency assistance measures."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sadiki Mwanyoha whose telephone number is 703-305-3417. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.


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spm

June 16, 2003


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
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